IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 28.11.2006

Coram:-

The Hon'ble Mr. Justice **P.SATHASIVAM**
and
The Hon'ble Mr. Justice **S.TAMILVANAN**

**Writ Petition No.3655 of 2006**
**& WPMP No.3864 of 2006**

George Pius Tharayil,
No.3/1, Ramappa Nagar Extn.,
Perugudi, Chennai-600 096. .. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai-600 009.

2. Chennai Metropolitan Development Authority,
rep., by its Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Chennai-600 008. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Declaration to declare that the provisions of Rule 19(b) (III-B) of the Development Control Rules and Rule 13 of the Special Rules for multi storeyed Building as ultra vires, illegal, unconstitutional and unenforceable in so far as it relates to levy and collection of Security Deposit for proposed Development and consequently, direct the respondents to issue planning permission for proposed development of Stilt+4 floors of residential building with 12 dwelling units at old survey No.44, part, 44/1 part, new survey No.44/17 and 44/20 of Perungudi village, Ramappa Nagar 1st Cross Street, Perungudi, Chenni-96 without insisting on security deposit of Rs.1,75,000/- for proposed development as

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contained in the communication dated 31.01.2006 in lr.No.B2/30614/2005 of the second respondent.

For Petitioner : Mr.R.Umasuthan

For 1st Respondent : Mr.R.Viduthalai
Advocate General for
Mr.K.Elango, Spl. G.P.,

For 2nd respondent : Mr.J.Ravindran for CMDA.,

**ORDER**

(Order of the Court was delivered by **P.SATHASIVAM, J.**)

Learned counsel appearing for the petitioner seeks permission to withdraw the above writ petition and has also made an endorsement to that effect. Accordingly permission is granted and the writ petition is dismissed as withdrawn. It is made clear that if need arises, the petitioner is permitted to challenge the provisions of Rule 19 (b) (III-B) of the Development Control Rules and Rule 13 of the Special Rules for multistoreyed Building at the appropriate time. No costs. Consequently, WPMP No.3864 of 2006 is also dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

raa

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To

1.The Secretary to Government,
State of Tamil Nadu,
Housing & Urban Development Department,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Chennai-600 008.

K(CO) **W.P.No.3655 of 2006**

NG(13/12/2006).

HIGH COURT OF JUDICATURE MADRAS
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